



UNITED STATES  
CIVILIAN BOARD OF CONTRACT APPEALS

---

GRANTED IN PART: March 9, 2007

CBCA 663

FIREMAN'S FUND INSURANCE COMPANY,

Appellant,

v.

GENERAL SERVICES ADMINISTRATION,

Respondent.

Douglas L. Patin and Michael S. Koplan of Bradley Arant Rose & White LLP, Washington, DC, counsel for Appellant.

Catherine Crow, Office of General Counsel, General Services Administration, Washington, DC, counsel for Respondent.

Before Board Judges **DANIELS** (Chairman), **BORWICK**, and **DeGRAFF**.

**DANIELS**, Board Judge.

This case involves a claim against the General Services Administration (GSA) under a contract for construction of a project in Brooklyn, New York, known as Renovation/Adaptive Reuse of the U. S. Post Office and Courthouse.

GSA awarded the contract to J. A. Jones Construction Group, LLC (Jones) in 1999. Jones and Fireman's Fund Insurance Company (Fireman's) provided GSA a payment bond and a performance bond for this project. Four years later, J. A. Jones, Inc. and certain of its subsidiaries, including Jones, filed voluntary petitions for bankruptcy. In 2004, GSA and Fireman's entered into a takeover agreement under which Fireman's undertook to complete

contract work and GSA recognized Fireman's rights to assert all claims of Jones arising under or in connection with the performance of the contract. The court in the Jones Bankruptcy Proceedings approved Jones's motion to assume and assign the contract to Fireman's.

During performance of the contract, GSA issued numerous unilateral contract modifications and Jones and/or Fireman's submitted several scope change requests. In January 2007, Fireman's submitted to the contracting officer a certified claim in the amount of \$1,500,000 regarding the contract modifications and scope changes. The contracting officer denied the claim, and Fireman's appealed his decision to the Civilian Board of Contract Appeals.

On March 8, 2007, Fireman's and GSA filed a Joint Motion for Entry of Judgment of Stipulated Award in this appeal. In the motion, the parties ask that the Board enter judgment for Fireman's in the amount of \$750,000, inclusive of interest, costs, and attorney fees.

In their motion, the parties state that they will not seek reconsideration of, or relief from, the Board's decision, and that they will not appeal the decision.

#### Decision

The appeal is **GRANTED IN PART**. The General Services Administration shall pay to Fireman's Fund Insurance Company the sum of \$750,000. Payment shall be made from the permanent indefinite judgment fund. 31 U.S.C. § 1304 (2000).

---

STEPHEN M. DANIELS  
Board Judge

We concur:

---

ANTHONY S. BORWICK  
Board Judge

---

MARTHA H. DeGRAFF  
Board Judge